

- MINUTES -

UTAH AIR QUALITY BOARD MEETING

September 3, 2003

I. Call to Order

John Veranth called the meeting to order at 1:35 p.m.

Board members present:

Jonathan C. Cherry
Richard R. Olson
Jerry D. Grover
Dianne R. Nielson

James R. Horrocks
Jeffrey K. Utley
Scott Hirschi

John M. Veranth
Ernest E. Wessman
JoAnn B. Seghini

II. Date of the Next Board Meeting

The next meeting of the Board will be held Wednesday, October 1, 2003. Future meetings will be held November 5 and December 3, 2003.

III. Approval of the Minutes of the August 6, 2003, Air Quality Board Meeting

JoAnn Seghini made the motion to approve the minutes of the August 6, 2003, Board meeting. Jeff Utley seconded the motion. The motion carried.

IV. Propose for Public Comment: Operating Permit Program Proposed Fee for Fiscal Year 2005

Presenter: David Beatty, Manager, Operating Permits Section

Mr. Beatty explained that staff is basing its proposal on an emissions inventory of 80,000 tons. This includes a reduction of approximately 2,000 tons due to small emission reductions by many sources. Also, staff is proposing to base the fee on a staff size of 34 FTEs. Staff recommends a proposed fee of \$37.47 per ton of chargeable pollutant for the Operating Permit Program for fiscal year 2005.

Jerry Grover requested more of a breakdown in the fee calculation information. David Beatty will provide that. Richard Olson asked how the fee compared with that of other states. The response was that only a few states compare with Utah. Some states actually charge a filing fee in addition to program fees.

• MOTION

Richard Olson made the motion to take the proposed Operating Permit Program fee to public comment as part of the Department's fee schedule. Ernest Wessman seconded the motion. The motion passed.

V. Propose for Public Comment: R307-110-28 and SIP Section XX, Regional Haze; New Rule R307-250, Western Backstop Sulfur Dioxide Trading Program; Amendments in R307-204, Emissions Standards: Smoke Management; Alternate Version Part F, Mobile Sources

Presenter: Jan Miller, Regional Haze SIP Coordinator

Jan Miller presented a computer slide show on regional haze. Ms. Miller explained that the Clean Air Act of 1977, section 169A, established a visibility protection program. A national goal was set to remedy any existing, and prevent any future, impairment of visibility from man-made emissions in mandatory class I federal areas. The concern would only be with visibility in the class I areas—the national parks—and only those on the Colorado Plateau, and only regulate human-caused sources.

Ms. Miller continued by discussing the following topics:

- * The SIP process
- * What is and what is not enforceable
- * Long-term strategy for stationary sources
- * Backstop trading program
- * Long-term strategy for mobile sources
- * Effects of agricultural burning
- * Long-term strategy for fire programs
- * Pollution prevention and renewable energy programs
- * Projection of visibility for worst/best days

The public comment period will run from October 1-31, 2003, and public hearings will be held in St. George, Salt Lake City, and Moab. Final Air Quality Board adoption ~~is expected at the December 3, 2003,~~ would be needed by the December meeting of the Board, and the SIP will be submitted to EPA before December 31, 2003.

Staff recommends the Board propose these documents for public comment.

Susan Hardy of the Mountainland Association of Governments (MAG) commended Ms. Miller for her work on the Regional Haze SIP and expressed appreciation for the Division's acceptance of MAG's comments in preparation of the SIP.

Ms. Hardy pointed out some errors in the text of the SIP that need correction. In the Alternate Mobile Source Section at the bottom of the second page, lines 36-39 need to be replaced with lines 16-20 on page 48 from the original version of that section.

Mr. Wessman commented that line 20 on Page 26 should be corrected to read, "Adjustments due to settlements arising from enforcement actions." Text in line 37 also needs to be reviewed for correctness.

Jim Horrocks commented that lines 34 and 35 of the SIP cover page, stating the adoption date of this SIP, need to be removed because the SIP has not been adopted.

In discussion of this item, staff responded to many questions and comments from members of the Board.

Mention was made of some other typographical errors that should be corrected before the document goes to public comment.

- **MOTION**

Ernest Wessman made the motion to take to public comment R307-110-28 and the other items with revisions as discussed and submitted to the Board for review. Richard Olson seconded the motion. The motion passed.

VI. Propose for Public Comment: Support Documents for the Regional Haze SIP

Presenter: Jan Miller, Regional Haze SIP Coordinator

The support documents are:

- * *The Enhanced Smoke Management Plan*
- * *The Report to the EPA and the Public on the Implementation of Other Recommendations of the Grand Canyon Visibility Transport Commission*
- * *The Annual Emission Goal for Fire*

Although these documents need no action from the Board, approval is being sought for them to accompany the Regional Haze SIP where the value will be in having them available for the public as they review the SIP. These documents will not be submitted to EPA as part of the SIP.

- **MOTION**

Ernest Wessman made the motion to approve issuing these documents in support of the Regional Haze SIP for public comment. Staff will consider any public comments made regarding these support documents. JoAnn Seghini seconded the motion. The motion passed.

VII. Propose for Public Comment: Emissions Inventory Rule Revisions: Repeal of R307-155 and R307-158; A Major Revision of R307-150; Revisions to R307-101-2 and R307-415-9

Presenter: Dave McNeill, Manager, SIPs Section

In 2002, the EPA promulgated the Consolidated Emissions Reporting Rule (CERR) that brought together all of the federal emissions inventory reporting requirements for air quality into one rule, which resulted in the state of Utah having to consolidate its emissions inventory rule.

Simultaneously, as the regional haze SIP was being developed, it became necessary to revise the rules to implement the sulfur dioxide milestone tracking inventory. Repeal of R307-155 (which is the current HAPs rule) and R307-158 (emission statement inventory rule) is being proposed. Changes to R307-101-2 (general definitions) and R307-415-9 (fees for operating permits) are being proposed. Also, a repeal and re-enactment of R307-150 are being proposed.

All of the inventory requirements will be incorporated into one rule, R307-150. R307-150-3 tells a source which of the subsequent sections apply to the source. With the exception of the sulfur dioxide milestone tracking inventory requirements, all of the reporting requirements for individual sources are contained in one of the following sections:

- R307-150-4 is the sulfur dioxide milestone tracking inventory which specifies information needed in order to meet the Regional Haze SIP requirements.
- R307-150-5 specifies the annual inventory requirements for very large, major sources (those sources defined in the CERR and the rules).
- R307-150-6 specifies the inventory requirements for the remainder of the major sources in the state and to sources located along the Wasatch Front. This requires an inventory to be submitted every third year unless the source's total emissions change by more than 40 tons from the most recently submitted inventory, in which case they must submit another inventory.
- R307-150-7 specifies the inventory requirements for sources subject to Title V not located in the Wasatch Front. Those sources must only submit their speciated total emissions inventory. This significantly reduces the reporting requirements for the smaller sources outside the Wasatch Front.

The request for information on toxics, PM_{2.5}, and ammonia includes data for 2002 as now required by federal law and will result in an additional information request to collect that information from affected sources in Utah.

Staff recommends the Board propose these changes for public comment.

A discussion ensued with staff responding to questions from the Board.

- **MOTION**

Dianne Nielson made the motion to take the emissions inventory rule revisions and repeal to public comment. Ernest Wessman seconded the motion. The motion passed.

VIII. Information Items

A. Update on and Input for Legislative Task Force on the Impacts and Benefits of Gravel Pits

Rick Sprott told the Board that he is participating on a legislative Gravel Pit Task Force (S.B. 37), sponsored by Senator Peter Knudson and Representative Ben Ferry. The purpose of the task force is to evaluate the impact of aggregate operations in the state of Utah, and to see if there might be any recommendations for legislation on remedying any adverse impacts of those operations. So far, the task force has received an overview of the aggregate industry around the state. Recently, members of the task force made a site visit to Staker Paving's Brigham City plant to become familiar with the aggregate industry.

At a most recent meeting, the Utah League of Cities and towns provided information on impacts that have occurred in Utah communities (issues such as zoning and planning, air quality, water quality, noise, odors, traffic and safety, road maintenance, and local governmental regulatory authority, or the lack thereof).

The co-chairs of the task force have indicated that they are interested in assessing what the issues are and what the potential solutions might be. The next meeting will be the third week of September.

The majority of impacts that occur at gravel pits tend to be dust (fugitive dust), noise and odors. DAQ does not regulate non-health based matters; however, DAQ is often called in to assist in resolution of issues. A few years ago, Marv Maxell spearheaded an effort with the Utah General Contractors Association (GCA) and other stakeholders to develop some new fugitive dust rules to minimize track-out and address other problems (mainly during the I-15 re-construction). The GCA has been cooperative in trying to improve problem situations.

Jackie Hibbard, a resident of Old Mill Estates near the Walker Pit on 6800 S. and Wasatch Blvd., addressed the Board about the effects of a gravel and asphalt plant in her community. She and her physician husband researched the area prior to purchasing their home and decided it would be a good place to live. Since purchasing their home, the gravel operations have expanded greatly, and an asphalt plant has been added. Even though the noise is bad, the dust is worse. The small particulate matter is the main health concern. Salt Lake County even advised her to keep her children inside when the dust is bad. The dust seems to be worse early morning, evenings and weekends, and the company does not keep the gravel piles watered.

Mrs. Hibbard requested that DAQ have an inspector on call 24 hours a day. The operation should be made to comply at all times; not just during the workweek. Fines should be high enough to force the operation into compliance. Mrs. Hibbard proposed a temporary cease of operation in order to study the impact of harmful air emissions on human health, air quality, and water quality.

John Veranth mentioned that he has frequently observed the pit, and the dust seems to be worse early and late in the day. Marv Maxell mentioned that EPA Method 9 is used as the enforcement tool for dust issues, which means that the sun has to be to the back of the inspector at the time of observation. Therefore, readings before sunrise or after sunset would not be valid.

Rich Thorn, president of the Associated General Contractors (AGC), addressed the Board. Several years ago, the AGC established an aggregates council to reach out to communities and help them understand the industry. The aggregate industry has challenges in that it is only able to produce the product where the raw materials are found. A priority of the industry is to make the process as safe as possible. A large part of making it safe is being able to minimize the amount of trucking--hauling the product to and from its final destination. In the early days of the industry, the gravel pits were located in unpopulated areas.

Mr. Thorn continued, saying that if some of these sources are operating outside of their permits, they need to be cited and fined. Even when sources are operating within their permits, there will be some dust, especially early morning and late evening due to canyon breezes, which cannot be

controlled. The AGC would be happy to work with DAQ, a community group, and with the companies located in the Walker area (Mrs. Hibbard's neighborhood) to work on the problem.

Bob Dalley, manager of the Air Monitoring Center (AMC), stated that the AMC has fielded a lot of complaints over the past several years about gravel operations. Over the past four years, a number of studies have been conducted with multiple samplers at Wasatch Blvd., Brigham City, City of Uintah, and South Weber City at area sand and gravel operations. The old total suspended particulate (TSP) standard was replaced by the PM10 standard in 1987 and by the PM2.5 standard in 1997. The study found that the old TSP standard was exceeded around those operations, but violations of the PM10 and PM2.5 standards have not occurred. TSP is a nuisance problem, but there's no longer a health standard for TSP.

Scott Hirschi commented that DAQ doesn't permit the establishment of gravel pits. They only regulate the operation. This is a county issue, and the meeting should be facilitated by Salt Lake County, with the community, aggregate operators, UDOT, and regulators contributing to the process. This would be taking on responsibilities beyond DAQ's ability to react. DAQ can, and should, do a good job of regulating the emissions from the plant, but it is not in a position to address other issues such as location of an operation or its growth.

Dianne Nielson commented DAQ does have control over gravel pit operations' dust management plans, and those plans are in effect 24 hours a day. Dr. Nielson mentioned earlier that failure to follow those plans is cause for a Notice of Violation. If the local health department is advising individuals that their children shouldn't play outdoors when it's dusty and DAQ has reliable PM10 and PM2.5 monitoring data for the area for problem dust days, then DAQ should share that information with the Salt Lake County Health Department.

Jon Cherry mentioned that industry has an obligation to protect the workers at these sites. Many times, personal air monitoring is required at sites, and if this monitoring data were available, the information would be valuable in determining if a health issue exists.

Rich Thorne volunteered to initiate a meeting with a community group to begin work on the issue.

B. Monitoring Data for July/August 2003

John Veranth commented that the Wasatch Front survived the "ozone season" this summer. No further comments or questions.

C. Compliance and HAPS Activities for June/July 2003

John Veranth mentioned that there is a lot of construction around the University Hospital and expressed concern regarding track out. Jeff Dean responded that an inspector is in that area on a daily basis.

Regarding the Operating Permit Program proposed fee, Mr. Hirschi suggested that a couple of case studies be done and apply another state's fees to them and compare them with DAQ's proposed fees. In other words, hypothetically permit a Utah source in surrounding states to see what the fee would be.

Rick Sprott mentioned that there is detailed data from last year's calculation that would prove useful to Mr. Hirschi's request. DAQ has actually reduced the FTEs in that program from 39 to 34 in the last five years. There is no directive for an incentive, but there is a self-imposed exercise that is done internally to determine future requirements.

Mr. Hirschi feels there should be some method of measurement; a level of efficiency. Mr. Hirschi researched the fee in three other states and found a fee as high as \$33./ton to a low of \$5./ton.

Mr. Sprott responded that a report would be furnished at the October meeting.

The meeting adjourned at 4:00 p.m.